

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

TIPS EXPORTS, INC.,

Plaintiff,

-against-

OPINION AND ORDER
01-CV-5412 (SJF) (VVP)

MUSIC MAHAL, INC.; “SUNNY”, Individually and d/b/a “MUSIC MAHAL”; VERMANI, INC.; Vermani, Inc. d/b/a “MUSIC MAHAL”; SATNAM SINGH A/K/A SATNAM SINGH CHOHAN, Individually and d/b/a “MUSIC MAHAL” and d/b/a “ORIGINAL MUSIC”; GURNAM SINGH, Individually and d/b/a “MUSIC MAHAL”; DALIP KUMAR A/K/A DALIP KOMAR AND AKA DALIP VERMANI Individually and d/b/a “MUSIC MAHAL”; HIGH TECH VIDEO CORP. A/K/A HIGH-TECH VIDEO, INC.; d/b/a “MUSIC MAHAL” and d/b/a ORIGINAL MUSIC; GITA SHAH Individually and d/b/a “MUSIC MAHAL” and d/b/a ORIGINAL MUSIC; SOCA HOUSE, INC., RAJ BOISE, Individually and d/b/a “SOCA HOUSE” and d/b/a “INDIAN DVD KING”; GURPREET SINGH BAINS Individually and d/b/a “SOCA HOUSE”, d/b/a “DVD KING” and d/b/a “INDIAN DVD KING”; “TAJ AUDIO VIDEO INC.; NIJER GROCERY and VARIETY INC. Individually and d/b/a “TAJ AUDIO VIDEO”; D.S. NIJER, Individually and d/b/a “TAJ AUDIO VIDEO”; AJITPAL SINGH, Individually and d/b/a “TAJ AUDIO VIDEO”; DALBIR SINGH, Individually and d/b/a “TAJ AUDIO VIDEO” and JOHN DOES 1-14,

Defendants.

X

FEUERSTEIN, J.

On August 10, 2001, plaintiff Tips Exports, Inc. (“Plaintiff”) commenced this action

alleging copyright infringement. On August 5, 2003, the Honorable Raymond J. Dearie, then assigned to this case, granted Plaintiff's motion for summary judgment. Judge Dearie then referred this case to Magistrate Judge Vikto V. Pohorelsky to conduct a hearing on damages and to issue a Report and Recommendation on the amount of damages, attorney's fees and costs to be awarded to Plaintiff. On October 16, 2003, the case was reassigned to this Court.

On March 9, 2007, Magistrate Judge Pohorelsky issued a Report and Recommendation (the "Report") recommending that: 1) Plaintiff be awarded statutory damages in the amount of three hundred thousand dollars (\$300,000) as against the Music Mahal defendants, in the amount of fifty seven thousand dollars (\$57,000) as against the Soca House defendants, and in the amount of fifty one thousand dollars (\$51,000) as against the Taj Audio Video defendants;¹ 2) Plaintiff be awarded one hundred fifteen thousand nine hundred fifty two dollars (\$115,952) for attorney's fees and six thousand one hundred twenty seven dollars and three cents (\$6,127.03) for costs, for a total of one hundred twenty two thousand seventy nine dollars and three cents (\$122,079.03), with each set of defendants responsible to pay forty thousand six hundred ninety three dollars and one cent (\$40,693.01); and 3) the defendants be permanently enjoined from reproducing, distributing, manufacturing, or otherwise using Plaintiff's sound recordings, name, and artwork without authorization.

No objections to the Report have been filed. For the reasons stated below, the Court adopts Magistrate Judge Pohorelsky Report in its entirety.

A district judge is not required to review the factual or legal conclusions of a magistrate judge as to which no objections are taken. See Alenski v. Potter, No. 03-CV-2179, 2005 WL 1309043, at *1 (E.D.N.Y. May 18, 2005) (citing Townsend v. Strack, No. 98-CV-5338, 2002

¹ The numerous defendants in this case can be divided into three (3) separate and distinct groups, and have been treated as such by the parties. See Report at 2.

WL 32096572, at*1 (E.D.N.Y. May 7, 2002)). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. Fed. R. Civ. P. 72(b); In re Health Management Systems, Inc. Securities Litigation, 82 F. Supp. 2d 227, 230 (S.D.N.Y. 2000); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No party has filed objections to Magistrate Judge Pohorelsky's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court ACCEPTS AND ADOPTS Magistrate Judge Pohorelsky's Report as an Order of the Court. Upon entry of judgment, the Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

S/sjf

Sandra J. Feuerstein
United States District Judge

Dated: March 28, 2007
Brooklyn, New York